

REMARKS

Applicants respectfully request reconsideration of the above-identified application and entry of the after-final amendment pursuant to 37 C.F.R. § 1.116. Claims 14 and 18 have been amended, and Claims 15 and 16 have been canceled. Thus, Claims 1-14, and 17-21 and 23-32 are pending in the present application. Applicants acknowledge with appreciation that Claims 1-13, 19-21, and 23-32 will be allowed upon the filing of a terminal disclaimer, and Claims 16 and 18 would be allowable if rewritten in independent form and upon the filing of a terminal disclaimer.

Claims 1-32 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-25 of U.S. Patent No. 6,096,054. Claims 14, 15 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,465,072 to Taheri (hereinafter "Taheri") in view of U.S. Patent No. 5,897,566 to Shturman (hereinafter "Shturman"). For the reasons that will be discussed in detail below, applicants respectfully assert that the present application is in condition for allowance.

Rejections Based on Obviousness-Type Double Patenting

Claims 1-32 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-25 of U.S. Patent No. 6,096,054. Although not agreeing to the rejection but to further expedite the prosecution of the application, applicants previously submitted a terminal disclaimer signed by Todd Messal with Amendment A received by the Patent Office on January 7, 2003 to obviate the double patenting rejection over U.S. Patent No. 6,096,054. The present Office Action states that Todd Messal is not listed on the power of attorney filed with the declaration, and thus, the terminal disclaimer previously submitted is insufficient. Applicants have submitted herewith as Exhibit A a copy of the declaration and power of attorney executed by the inventors. On page 2 of the declaration and

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power of attorney, it states that Todd P. Messal, Registration No. 42,883, has been granted a principal power of attorney will full power to prosecute this application by the inventors. Accordingly, applicants respectfully assert the previously filed terminal disclaimer is sufficient to overcome the obviousness-type double patenting rejection currently set forth. Thus, applicants respectfully request withdrawal of the rejections based on obviousness-type double patenting with regard to currently pending Claims 1-14, 17-21, and 23-32.

Rejections Under 35 U.S.C. § 103(a)

Claims 14, 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taheri in view of Shturman. Applicants have canceled claim 15, thus rendering the rejection to Claim 15 moot. Although applicants respectfully disagree with rejections to the remaining claims, to expedite the prosecution of the present application, applicants have amended Claim 14 include the subject matter of Claim 16 (and Claim 15 from which it depends) that was deemed allowable by the Examiner in the Office Action. Thus, applicants respectfully requests withdrawal of the pending rejection to Claim 14. Accordingly, applicants respectfully request the withdrawal of the pending rejection to Claim 17, which depends from allowable Claim 14.

Independent Claims 18

Claim 18 was indicated in the Office Action as being allowable if rewritten in independent form to include all of the limitations of the claims from which they depend and upon the filing of a terminal disclaimer to overcome the obviousness-type double patenting rejection. Accordingly, applicants have rewritten Claim 18 in independent form. Thus, applicants respectfully assert that Claim 18 is in condition for allowance.

CONCLUSION

In light of the foregoing amendments and remarks, applicants submit that all of the claims of the present application are in condition for allowance. Thus, applicants respectfully

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request entry of the amendments pursuant to 37 C.F.R. § 1.116 and the allowance of all pending claims. If any further questions remain, the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: August 25, 2003



BCS:ejh